

OPEN MINUTES
Missouri State Board of Chiropractic Examiners
March 7, 2002 - 8:00 a.m.
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City, Missouri 65109

The Missouri State Board of Chiropractic Examiners Board Meeting was called to order by Mary Holyoke, D.C., President, at 8:15 a.m. on March 7, 2002 at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Members Present:

Mary A. Holyoke, D.C., President
Larry J. Lovejoy, D.C., Secretary
Lawrence Gerstein, D.C.
Lee Richardson, D.C.
Charles Klinginsmith, D.C.
Charlotte Castillon Hill, M.A., Public Member (Arrived at 8:55 a.m.)

Staff Present:

Loree Kessler, Executive Director
Jeanette Stuenkel, Executive I
Greg Mitchell, Legal Counsel

Visitors

Mo McCullough, Missouri State Chiropractors Association
Dr. John Scott, Missouri State Chiropractors Association
Dr. Jacqueline Bogard, Logan College of Chiropractic
Vicki Renshaw, Cleveland Chiropractic College (via conference call)
Dr. Robert Ott, D.C. (via conference call)

To better track the order in which the items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed in the meeting.

Approval of Agenda

A motion was made by Dr. Gerstein and seconded by Dr. Richardson to approve the open session agenda with the amendments adding correspondence from Practice Mechanix and KATS Management. Motion carried unanimously.

Approval of Minutes

A motion was made by Dr. Klinginsmith and seconded by Dr. Richardson to approve the following open session minutes: mail ballot November 1, 2001; mail ballot November 2, 2001; mail ballot November 5, 2002; mail ballot November 15, 2001; mail ballot November 21, 2001, mail ballot November 28, 2001; conference call December 6, 2001; board meeting December 13, 2001; mail ballot December 20, 2001; mail ballot December 21, 2001; mail ballot December 26, 2001; mail ballot December 27, 2001; mail ballot December 28, 2001; mail ballot January 3, 2002; conference call January 4, 2002; mail ballot January 7, 2002; mail ballot January 14, 2002; mail ballot January 16, 2002; mail ballot January 17, 2002; mail ballot January 24, 2002;

mail ballot January 29, 2002; mail ballot February 8, 2002; and conference call February 13, 2002. Motion carried unanimously.

Financial Report

The board discussed the status of HB 1906 commonly referred to as the “fund sweep” bill. The executive director explained that the various associations attended the hearing and the bill sponsor offered an amendment exempting the boards within the division. The executive director advised the board that it is possible that the Office of Administration may begin allocating costs of doing business to the boards similar to the cost allocation of the AHC or Attorney General’s office.

There was considerable discussion concerning the need to increase the biennial renewal fee. The executive director reported that division accounting had been consulted and given the current budget considerations and the board’s attempts to reduce operating costs, the board could operate without a renewal increase at this time and reconsider the matter in 2003 or 2004 should there be an unforeseen expense.

A motion was made by Dr. Gerstein and seconded by Dr. Richardson to not increase the renewal fee at this time. Motion carried unanimously.

As part of the financial report, the executive director stated that the Acupuncture Advisory Committee would begin receiving application fees with the February 28, 2002 effective date of the regulations. At this time the advisory committee is operating within the annual cost estimate of \$3,000.

A motion was made by Dr. Klinginsmith and seconded by Dr. Richardson to approve the financial report. Motion carried unanimously.

Office Procedures

Dr. Richardson noted that the number of mail ballot requests has increased in the last quarter causing an increase in postage and staff time to send and track the ballots. Staff noted the greatest percentage of the mail ballots dealt with professional corporation name approval. The board recommended that staff draft guidelines for mail ballots that involve the approval of professional corporation names.

Board members were reminded to file the financial disclosure statements postmarked no later than April 30th. The executive director stated that if a board member wanted the financial disclosure statement delivered to the Ethics Commission, s/he could forward the statement to the board office.

2000 Continuing Education Audit & Continuing Education Guidelines

The executive director reported that approximately seventy chiropractors had not sent in the documentation requested and that nearly 125 chiropractors had responded. All CE sent to the board thus far was in compliance with the regulations.

The executive director added that a reminder letter would be sent to the licensees that had not sent in the requested information and the licensees that were in compliance would receive a letter to that effect.

Dr. Gerstein reported to the board that the continuing education requests sent to the board office were becoming more time consuming as CE providers send an application for a seminar that will be held in numerous out of state locations with different instructors at those locations. It was recommended that the board consider a fee structure for continuing education based upon the number of programs or seminars being offered and not just the number of applications sent. Dr. Holyoke requested Dr. Gerstein work with the executive director to determine if there was a better mechanism for calculating fees for CE applications. No official action was taken on this issue.

Application Review

The board reviewed the application as well as the application manual. A motion was made by Dr. Gerstein and seconded by Dr. Klinginsmith to incorporate the following changes and staff to work with Dr. Holyoke on developing a final draft.

- 1) Add a question on the application requesting information whether the applicant has or will have an X-ray machine at his/her practice and if the machine is registered with the Department of Health.
- 2) Add a question regarding whether the applicant plans to provide manipulation while a patient is under anesthesia.
- 3) Revise the application manual to correspond with the application and eliminate all duplicate information.
- 4) Revise the law/rule booklet deleting the sections that do not directly apply to the practice of chiropractic or chiropractors. At the board's web site add the appropriate links to applicable division and department statutes and regulations.

Motion carried unanimously.

Legislative Update

The executive director provided a handout of the legislation tracking list maintained by the board office. Dr. Holyoke asked the association if Mr. McCullough wished to comment on the status of various bills pending before the legislature.

Mr. McCullough reported that the practice act language of HB 1378 had not been voted out of committee and that the association had been working on revised language with the Missouri Medical Association and Senator Singleton. Additionally, Mr. McCullough added that Senator Klarich hoped to place language from SB 841 and 842 as an amendment to legislation considered by the full Senate.

The executive director reported that the omnibus bill from the House Committee on Professional Registration will be HB 1689 sponsored by Representative Treadway. Currently the bill includes language for the Board of Accountancy, Dental Board, Board of Nursing, Geology Board and Board of Healing Arts.

Boundary Training

The board requested input from Dr. Bogard and Ms. Renshaw regarding instruction in boundary training at the chiropractic colleges.

Dr. Bogard reported that boundary training is taught in rotation with AIDS/HIV and emergency procedures at Logan and Ms. Renshaw added that Cleveland College did not have a specific seminar in boundary training, citing a lack of interest by licensees and students. However, Ms. Renshaw added that issues of boundary training are part of the course of instruction throughout various classes.

The board noted that there has been an increase in complaints relating to alleged boundary violations. Dr. Holyoke asked that Dr. Gerstein work with the executive director on assembling information regarding boundary training to include any available materials from Dr. Spicer and provide that information at the June board meeting.

Manipulation Under Anesthesia

Dr. Holyoke appointed a subcommittee composed of Dr. Gerstein, Dr. Klinginsmith and Dr. Holyoke to draft regulations for this area of practice.

Upcoming Meetings

The board reviewed the upcoming schedule of meetings and events and decided upon a tentative schedule for board members and staff to attend various meetings.

April 20	MSCA Board meeting Noon-4: 30 p.m. – Dr. Klinginsmith to attend
May 1-5	FCLB & NBCE Meeting Chicago IL – Drs. Holyoke, Lovejoy & Gerstein to attend. Dr. Gerstein's travel is being paid for by NBCE
May 17	Legislative Session ends
May 17-19	National Exams St Louis – Dr. Holyoke & Dr. Lovejoy to attend. Loree Kessler and Jeanette Stuenkel to assist with test administration
June 6-9	Cleveland College of Chiropractic Homecoming – Dr. Lovejoy to represent the Board
June 13	State Board Meeting Jefferson City
June 13-16	Logan College of Chiropractic Homecoming
June 27-29	CLEAR Regional Meeting St Louis (tentative)
August 1-3	MSCA Summer Convention & Board Meeting Lake of the Ozarks – Drs. Richardson and Lovejoy to attend
Sept 12-14	CLEAR Conference Las Vegas, NV – Dr. Holyoke to attend
Sept 19	State Board Meeting Jefferson City
Sept 26-27	Division-wide Board Orientation Jefferson City
October 19	MSCA Board Meeting Noon-4:30 p.m. – Dr. Klinginsmith to attend
Fall 2002	District II FCLB Meeting Oakbrook, IL – Dr. Gerstein to attend
Nov 13-15	Citizens Advocacy Center Meeting San Francisco – Ms. Castillon Hill to attend
Nov 15-17	National Exams St Louis
Nov 21	State Board Meeting Jefferson City

The MSCA offered the board the opportunity to submit articles for the association newsletter and journal as a means to keep association members and licensees advised of board activities

and concerns. The board instructed the executive director to coordinate this activity with Mr. McCullough.

Department of Health

The board discussed information sent by the Department of Health regarding the lack of compliance with requirements to register x-ray machines with the department and problems experienced during inspections.

The board determined that to assist the Department of Health with compliance it would amend the application for licensure and the renewal form to include questions regarding if the applicant or licensee had an x-ray machine in the office and if the machine was registered with the department. The results of this information would be forwarded to the department.

The board also recommended that if the chiropractor failed to take corrective action as directed by the Department of Health, that information should be forwarded to the board in writing by the department.

The executive director was instructed to communicate these recommendations to the Department of Health.

Practice Mechanix

The board recommended that a letter be sent advising the firm that with appropriate education and training a chiropractor may perform, order and interpret nerve conduction velocity testing and that no specialty license is required.

KATS Management

The board recommended that a letter be sent advising the company that prepay plans for chiropractic services are not regulated by the board and that private counsel should be consulted. Also, the board noted that reimbursement rates must be equitable and not increased if a patient has insurance.

Miscellaneous

Ms. Renshaw thanked the board for allowing her to conference in by telephone for the open session and allowing her the opportunity to comment and ask questions during the meeting.

At 10:10 a.m., the board took a recess and reconvened at 10:33 a.m.

At 10:33 a.m., a motion was made by Dr. Lovejoy and seconded by Dr. Gerstein to convene in closed session pursuant to sections 610.021(14) and 620.010.14(7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant, section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation, and any confidential or privileged communication between this agency and its attorney and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsections of 610.021 which authorized this agency to go into closed session during those meetings. Board members voting aye; Dr. Gerstein, Dr. Lovejoy, Ms. Castillon Hill, Dr. Klinginsmith, and Dr. Richardson. Motion carried unanimously.

At 11:57 a.m., while in closed session, the board took a recess for lunch and reconvened at 12:35 p.m.

At 3:03 p.m., a motion was made by Dr. Gerstein and seconded by Dr. Klinginsmith to convene in open session. Board members voting aye; Dr. Gerstein, Dr. Lovejoy, Ms. Castillon Hill, Dr. Klinginsmith, and Dr. Richardson. Motion carried unanimously.

Vitamins

Dr. Gerstein reported to the board that he had been contacted by chiropractors regarding the administration of vitamins by injection and requested the board's input on how to pursue this issue. Dr. Holyoke asked Dr. Gerstein to coordinate any information sent to his attention by licensees as well as any guidelines or educational programs that are available in this area. All information will be assembled for review during the June meeting.

At 3:10 p.m., a motion was made by Dr. Richardson and seconded by Dr. Klinginsmith to adjourn the meeting. Motion carried unanimously.

Executive Director

Approved by Board